

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**Before the Honorable Gregory J. Fouratt
United States Magistrate Judge**

Clerk's Minutes

Civ. No. 22cv360 DHU/GJF

Escano v. RCI, LLC

Date of Hearing: 10/24/24
(not recorded)

For Plaintiff: Ruben Escano

Attorneys for Defendants: Joseph Wylie
Melanie Stambaugh

Proceedings: Telephonic Status Conference

Start Time: 11:00 a.m.

Stop Time: 11:14 a.m.

Total Time: **14 minutes**

Clerk: AEM

Notes:

- The Court explained that the purpose of the conference was to discuss holding a settlement conference.
- Mr. Escano explained that the parties had been engaged in settlement negotiations and had discussed requesting a settlement conference with the Court even before the Court set the status conference for that purpose.
- The Court advised that Judge Urias had expressed willingness to relieve the pressure of trial if it would promote settlement efforts.
- The Court reminded the parties that Local Rule 73.4 permits them to request that another Magistrate Judge, other than the one to whom the case is assigned, preside over a settlement conference. The Court emphasized that it would not take such a request personally.
- Noting that the final pretrial order indicated that the parties believed a settlement conference could be helpful in resolving the case, Mr. Wylie confirmed that the parties had agreed to reach out to the Court to request a settlement conference.

- Mr. Wylie explained that the parties had already exchanged offers and counteroffers and that Defendant was waiting to hear back from Plaintiff in response to its most recent counteroffer.
- Mr. Wylie further suggested that the Court's familiarity with the case would make a settlement conference before the assigned Magistrate Judge more efficient.
- After discussing the parties' and the Court's availability, the Court indicated that it would set an in-person settlement conference for December 10, 2024.
- The Court advised that it would enter an Order setting the conference and providing various deadlines and that chambers would reach out to schedule *ex parte* calls with the Court.
- The Court indicated that it would inform Judge Urias that the parties had agreed to participate in a December 10, 2024 settlement conference.
- The Court observed that a Clerk's Entry of Default had been entered against Defendant MXRRU [ECF 135] but Plaintiff had not yet moved for default judgment as to that Defendant. The Court suggested that this may be a topic to discuss with Judge Urias at the Call of the Calendar.
- The Court adjourned.